THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION. No.26962 of 2007

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Date: 17.12.2007

Between:

Pasupulati Vanama Raju
& another.

... Petitioners

AND

The Superintending Engineer,
Roads & Buildings Department,
Eluru, West Godavari District
& others.

... Respondents

Counsel for the petitioners : Sri K.L.N. Swamy

Counsel for the respondents: Assistant Government Pleader
for Roads & Buildings

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION. No.26962 of 2007

ORDER:

This writ petition is filed for a writ of mandamus to declare the action of the respondents in seeking to evict the petitioners from the premises situated in Sy.No.77 of Navduru Village, Veeravasaram Mandal, West Godavari District, as illegal, arbitrary and violative of Article 21 of the Constitution of India and the provisions of the A.P. Land Encroachment Act, 1905.

Heard Sri K.L.N. Swamy, learned counsel for the petitioners.

It is not in dispute that this Court disposed of Writ Petition No.13198 of 2007 filed by Sri K. Rayapa Raju and another directing the respondents to clear the encroachments on the road margin within six weeks by order dated 29.06.2007. The petitioners in the said writ petition filed an application to amend survey number by substituting R.S.No.76 for R.S.No.77. The said application was also allowed by this Court by order dated 09.11.2007 and a direction was given to clear the encroachments existing on the road margin comprised in Sy.No.77 within four weeks. It is in pursuance of the said order that the impugned notice has been issued, wherein the petitioners were called upon to clear the encroachments voluntarily on or before 18.12.2007,

failing which the respondents will forcibly remove the same.

Learned counsel for the petitioners submitted that the petitioners were not parties to Writ Petition No.13198 of 2007 and that therefore the respondents cannot remove them in purported compliance of the orders passed in the said writ petition.

As already noted above, the impugned notice is issued in pursuance of the orders passed in Writ Petition No.13198 of 2007. Unless the said orders are challenged, this Court cannot pass any order, which may come in direct conflict with the said orders.

The writ petition is therefore disposed of giving liberty to the petitioners to question the orders passed in Writ Petition No.13189 of 2007.

However, to facilitate the petitioners to seek appropriate remedy, the respondents are directed to maintain status quo existing as on today for a period of three days.

As a sequel to disposal of the writ petition, WPMP.No.35257 of 2007 filed by the petitioners for interim relief is disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

Date: 17.12.2007
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